IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA CIVIL ACTION NO. 1:23-CV-114-KDB-SCR

JOHN DOE,)	
Plaintiff,)	
)	0,000
v.)	<u>ORDER</u>
WAKE FOREST UNIVERSITY,)	
Defendant.)	

THIS MATTER is before the Court on Defendant's "Motion to Compel Discovery" (Doc. No. 51) filed June 19, 2023, as well as the parties' briefs and exhibits. (Doc. No. 52, 56, & 59). The Motion is granted in part and denied in part as set forth below.

On June 19, 2023, Defendant filed a Motion to Compel Discovery. (Doc. No. 51). Defendant seeks production of an unreacted copy of Plaintiff's SnapChat data posted from September 21, 2021, to present. Defendant's Request for Production No. 22. (Doc. No. 52-1, at 12). Plaintiff previously produced the data, but redacted all communications except four messages between Plaintiff and the alleged victim Roe. (Doc. 52-4).

Defendant credibly alleges that:

During the Title IX investigation into Jane Roe's allegations, Plaintiff identified significant communications between himself and Jane Roe via SnapChat. During a September 8, 2022 interview, Plaintiff stated that he communicated regularly with Jane Roe via SnapChat and that Jane Roe asked him to the date function that gave rise to the Title IX Investigation via SnapChat.

Transcript of Plaintiff's September 8, 2022 Title IX interview. (Doc. No. 52-2, at 2). During Plaintiff's deposition on May 23, 2023, Plaintiff identified previously unproduced responsive

documents, including the SnapChat data. The deposition was suspended pending Plaintiff's search

for responsive documents. (Doc. No. 52-3). On June 12, 2023, Plaintiff produced the redacted

SnapChat data. (Doc 52 at 3-4). Plaintiff contends that the redacted data is irrelevant and

disproportional to the needs of the case and that its production would risk exposure of other

students' identities.

The Court finds to the contrary that Defendant is entitled to review the responsive

SnapChat data created since September 21, 2021. There is a Protective Order in this case. (Doc.

No. 41). Accordingly, Plaintiff may produce the disputed data as "Confidential." Defendant is

also entitled to resume Plaintiff's deposition, limited to newly produced documents.

NOW THEREFORE IT IS ORDERED that:

1. Defendant's "Motion to Compel Discovery" (Doc. No. 51) is **GRANTED IN PART**

and **DENIED IN PART**. Specifically, within seven days of this Order, Plaintiff shall

produce an unredacted copy of his previously redacted SnapChat data dating from

September 21, 2021, to present.

2. Within the same time period, counsel shall meet and confer and reschedule Plaintiff's

deposition to be concluded by July 31, 2023. The deposition shall be confined to newly

produced documents.

3. The parties shall bear their own costs at this time.

4. The Clerk is directed to send copies of this Order to counsel for the parties and to the

Honorable Kenneth Bell.

SO ORDERED.

Signed: July 12, 2023

Susan C. Rodriguez

Rading United States Magistrate Judge